

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

CASSIUS M. CLAY SR., : Civil Action No. 05-125E  
Plaintiff, : Judge Sean J. McLaughlin  
V. : Mag. Judge Susan P. Baxter  
:   
TRACY REEVES, et al., :   
Defendants, :

**FILED**

**SEP 26 2007**

RESPONSE TO DEFENDANTS SUPPLEMENTAL  
MOTION FOR SUMMARY JUDGMENT

CLERK U.S. DISTRICT COURT  
WEST DISTRICT OF PENNSYLVANIA

AND NOW COMES, CASSIUS M. CLAY SR., Plaintiff, Pro-Se, in the above captioned action, and Pursuant to FRCP LR 56.1(C)(1), states the following in support of:

1. The Order Dated August 7, 2007, where this Court granted the defendants leave to file a Second Supplemental Motion for Summary Judgment, constitutes an error of law, as to the claim of Access to Court, where the District Court Judge McLaughlin has already adjudicated this issue at Document [91], by adopting [87] Report and Recommendations on 8/29/07, and thereby with Discovery, this claim should be ripe for Trial, as it is waived, and cannot be re-litigated, by the Defendant's failure to Object to the R. & R. on 8-29-07.

2. For the reasons stated herein, and in the attached exhibits, supporting brief and concise statement of undisputed material facts filed herewith, there are genuine issue's of material facts, and the defendants' are precluded from Summary Judgment as a matter of law with respect to Plaintiff's access to Court and Mail Tampering Claims.

3. Plaintiff incorporates herein his previous Answer to Motion for Summary Judgment [83], Brief in Opposition [84], and the Responsive Concise Statement [85], and the Original Complaint [6], with support from the Memorandum in Opposition to Defendants Motion to Dismiss [30].

WHEREFORE, IT IS Respectfully Requested that this Honorable Court Deny the Defendant's Second Supplemental Motion for Summary Judgment.

Respectfully Submitted;

By;

Cassius M. Clay Sr.

CASSIUS M. CLAY SR. DQ5954

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